

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION

FELICIA ROBINSON

PLAINTIFFS

v.

CIVIL ACTION NO: 1:19-CV-00121-SA-DAS

WEBSTER COUNTY, MISSISSIPPI;
WEBSTER COUNTY SHERIFF'S DEPARTMENT;
TIM MITCHELL; SANTANA TOWNSEND;
DAREN PATTERSON; and
JOHN DOES 1-30

DEFENDANTS

MOTION FOR JUDGMENT ON THE PLEADINGS DISMISSING
WEBSTER COUNTY SHERIFF'S DEPARTMENT
FROM STATE LAW CLAIMS

NOW COMES DEFENDANT, Webster County Sheriff's Department, by counsel, and respectfully moves pursuant to Rule 12(c) for dismissal of all claims under state law under the Mississippi Tort Claims Act, *Miss. Code Ann. §11-46-1*, et seq., as follows:

1. **PREMISE:** Webster County Sheriff's Department is not a proper defendant under state law. Official claims under state law are not authorized against a governmental entity.
2. **BRIEFING:** As required by our local rules, an appropriate memorandum of supporting authority is being filed herewith.

NOW, THEREFORE, Defendant Webster County Sheriff's Department respectfully prays all state law claims be dismissed.

RESPECTFULLY SUBMITTED, this the 15th day of August, 2019.

JACKS | GRIFFITH | LUCIANO, P.A.

By: /s/ *Daniel J. Griffith*
Daniel J. Griffith, MS Bar No. 8366
Mary McKay Griffith, MS Bar No. 100785

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Sheriff's Department

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CERTIFICATE OF SERVICE

I, Daniel J. Griffith, attorney of record for Defendants, Tim Mitchell (Officially) and Santana Townsend (Officially), do hereby certify that I have this day caused a true and correct copy of the above and foregoing *Motion for Judgment on the Pleadings Dismissing Webster County Sheriff's Department from State Law Claims* to be delivered by the ECF Filing System which gave notice to all counsel of record who have appeared herein.

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DATED this 15th day of August, 2019.

/s/ *Daniel J. Griffith*
Daniel J. Griffith